GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Revision Petition of Sri B.S.Nageswara Rao, Retired PC-1115 of Vijayawada City against the punishment of "Compulsory Retirement" by treating the suspension period from 28.06.2015 to 28.12.2016 as 'Not on Duty' – Allowed – Modification orders – Issued.

HOME (SERVICES.II) DEPARTMENT

G.O.Rt.No.413 **Dated.13.04.2023**
Read the following:-

1.From the DGP, AP., Rc.No.600/T3/2022, dated. 06.09.2022.
2.Govt. Memo No.1723736/Ser.II/A1/2022, Dated:14.11.2022.
3.From the DGP, A.P., Lr.Rc.No.600/T3/2022, dated.04.01.2023.
4. From the Secretary, APPSC, File.No.GAD03-APPS0DCC/33/2023-DC.SEC-APPSC, Dated 29.03.2023.

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ORDER:

In the letter 1st read above, the DGP., AP., has stated that the Commissioner of Police, NTR Police Commissionerate, Vijayawada City in his letter dated 08.08.2022 has informed that Sri B.S.Nageswara Rao, Retired PC-1115 of Vijayawada City was handed upon a Major charge under Rule-20 of APCS (CC&A) Rules, 1991, vide proceedings dated 08.07.2015 for the following delinquency:

> "Gross neglect and reprehensible conduct in duty in not controlling the prostitution at RTC City Terminal Bus Stand and allowed public for prostitution at the railway Track and extracted money from them".

2. The Charged PC was placed under suspension w.e.f. 28.06.2015 and not revoked from suspension till the conclusion of proceedings i.e., 24.12.2016.

3. The Assistant Commissioner of Police, Mahila Police Station, Vijayawada City, who was appointed as an Enquiry Officer conducted the Oral Enquiry and submitted the findings on 02.09.2016 that held the charge **"Proved"**. Agreeing with the findings of the Enquiry Officer, the Commissioner of Police, Vijayawada City has issued a 'Show Cause Notice' along with a copy of Minutes on 29-09-2016 to the above PC to submit his 'Further Written Statement of Defence'. The PC has submitted his Further Written Statement of Defence on dt.12.10.2016.

4. Duly following the procedure laid down in Rule-20 of APCS (CC&A) Rules, 1991, the Commissioner of Police, Vijayawada City has awarded the major punishment of **"Compulsory Retirement from Service'**, treating the suspension period from 28-06-2015 to 28-12-2016 as "Not on Duty".

5. The Appeal petition of retired PC-1115 was 'Rejected' by the Government vide Govt.Memo.No.1607(P)/Ser-II/A1/2017-2, dated 29.01.2019.

6. Sri B.S. Nageswara Rao, Retired PC- 1115 of Vijayawada City has submitted a Revision petition dated:08.03.2022 to the Govt with a request set aside the above punishment awarded by the Commissioner of Police, NTR Police Commissionerate, Vijayawada.

7. The Director General of Police, AP has requested the Government for disposal of OEPR Under Rule-9 of A. P. Revised Pension Rules, 1980, as the Government is competent authority to dispose the P.Rs of retired Government employee.

8. Government have examined the report of the Enquiry officer and provisionally decided to modify the penalty of 'Compulsory retirement' awarded by the Commissioner of Police, NTR Police Commissionerate, Vijayawada vide Proc., dated.27.12.2016 to that of 'deemed to be retired from service' on the age of superannuation on 31.01.2017. Government also decided to impose 3% (three percent) cut in pension for two years besides treating the suspension period 28-06-2015 to 28-12-2016 and the period from 29.12.2016 to till he deemed to be retired from service i.e., 31.01.2017 as "Not on Duty" against Sri B.S.Nageswara Rao, Retired PC-1115 of Vijayawada City under Rule 9(2) of A.P. Revised Pension Rules, 1980 for the charges held '**proved'** against him.

[P.T.O]

9. Accordingly, Show Cause Notice was issued to the charged officer vide reference 2nd read above. Sri B.S.Nageswara Rao, Retired PC-1115 of Vijayawada City has submitted his explanation vide reference 3rd read above.

10. Government have examined the explanation submitted by the above Retd.PC - 1115 and decided to modify the punishment of "Compulsory retirement from service" to that of 'deemed to be retired from service' on attaining the age of superannuation on 31.1.2017 and also to impose the penalty of 3% (three percent) cut in pension for two years besides treating the suspension period 28.06.2015 to 28.12.2016 and the period from 29.12.2016 to till he deemed to be retired from service i.e., 31.01.2017 as "Not on Duty" against the above Retd.PC-1115.

11. In the letter 4th read above, the Secretary, Andhra Pradesh Public Service Commission has informed that the Commission agreed with the proposal of the Government i.e to modify the punishment of "Compulsory retirement from service" to that of 'deemed to be retired from service' on attaining the age of superannuation on 31.1.2017 and also to impose the penalty of 3% (three percent) cut in pension for two years besides treating the suspension period 28.06.2015 to 28.12.2016 and the period from 29.12.2016 to till he deemed to be retired from service i.e., 31.01.2017 as "Not on Duty" against the Sri B.S.Nageswara Rao, Retired PC-1115 of Vijayawada City and advised to take action accordingly.

12. Government, after careful examination of the entire issue, hereby modify the penalty of "Compulsory retirement from service" awarded by the Commissioner of Police, Vijayawada City vide Proceedings dated:27.12.2016 to that of 'deemed to be retired from service' on attaining the age of superannuation on 31.1.2017 AN in respect of Sri B.S.Nageswara Rao, PC-1115 (now retired) of Vijayawada City. Government also impose the penalty of 3% (three percent) cut in pension for two years besides treating the suspension period 28.06.2015 to 28.12.2016 and the period from 29.12.2016 to till he deemed to be retired from service i.e., 31.01.2017 as "Not on Duty" for the charges held **proved** against him under Rule 9(2) (a) of A.P. Revised Pension Rules, 1980.

13. A copy of the reference 4th read above is communicated to the charged officer as per Rule 23 of APCS (CCA) Rules, 1991.

14. The Director General of Police, Andhra Pradesh is requested to take necessary further action in the matter accordingly. The records received through the letter 1st read above are returned herewith and receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Mangalagiri
(w.e - Records in original)
The individual through the Director General of Police, Mangalagiri.
Copy to:
The Secretary, A.P. Public Service Commission, Vijayawada
The Accountant General of Andhra Pradesh, Vijayawada.
The Director of Treasuries & Accounts, Mangalagiri, Guntur District.
The Superintendent of Police, Guntur District.
SF/SC.

//Forwarded :: By Order//

SECTION OFFICER.